

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.8306 of 2015 (O&M)
Date of Order:22.01.2018

Gurdarshan Singh

..Petitioner

Versus

Manmohan Katyal and anotehr

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurcharan Dass, Advocate,
for the petitioner.

Mr. Sunil Chadha, Sr. Advocate, with\
Mr. Sharad Mehta, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J.

C.M.No.407-CII of 2018

Allowed as prayed for.

Annexure P-9 is taken on record.

Civil Revision No.8306 of 2015

Defendant no.1-petitioner is in revision petition against the order dated 14.09.2015 and 06.11.2015 passed by the trial court, dismissing applications for permission to lead additional evidence and for direction to the plaintiff to produce the partnership deed of the partnership business.

Plaintiff had filed a suit for possession by way of specific performance of the agreement to sell dated 12.01.2010. The suit was contested by defendant no.1-petitioner and the defendants closed his evidence on 14.05.2014. After a period of more than one year, defendant no.1 filed an application for permission to lead additional evidence, so as to enable him to produce on record certified copy of the judgment passed by

the learned Additional Sessions Judge Judge, Ludhiana, in the case of Amit Kumar vs. Gurdarshan Singh, acquitting the petitioner under Section 138 of the Negotiable Instrument Act.

Learned trial court, after considering various aspect of the matter, dismissed the application vide order dated 14.09.2015. Thereafter the petitioner filed application under Order 11 Rule 14 CPC, seeking directions to the plaintiff to produce on record a copy of the partnership deed of Hotel Sneh Mohan Regency or memorandum of articles of the said business concerned.

Both the applications were dismissed by the trial Court.

I have heard counsel for the parties at length and with their able assistance gone through the documents filed.

The relevancy of the previous judgments is governed by the Evidence Act. Sections 40, 41, 42, 43 and 44 govern this aspect. It is undisputed that the aforesaid judgment passed by the learned Additional Sessions Judge, does not fall within the categories as specified in the aforesaid provisions. It is also not in dispute that the judgment passed by the learned Additional Sessions Judge, is not between the plaintiff and defendant no.1. It is being asserted that the complainant in criminal case i.e. Amit Kumar is nephew of plaintiff Manmohan Katyal, hence such judgment would be relevant.

This Court has considered the submissions, however, do not find any substance therein.

The relevancy of the previous judgment is only limited to the aforementioned provisions of the Evidence Act. The judgment passed in a criminal case is otherwise also not binding on the Civil Court. In any case,

the judgment is not inter-parties.

With regard to application under Order 11 Rule 14 of the Code of Civil Procedure, learned counsel for the petitioner has argued that he wants to bring on record the partnership deed so as to show that the attesting witnesses are partners of the plaintiff.

The learned court has dismissed the application on the ground that the parties have closed their evidence and production of such partnership deed would not be relevant for the decision of the present case. In the present suit, the Court is to only examine whether there was any agreement to sell between the parties or not. It appears that defendant no.1 has been making efforts to bring on record the material which was not relevant for the decision of the case.

In view thereof, there is no scope for interference. The revision petition is dismissed.

January 22, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No